



Organization for Security and Co-operation in Europe

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Aarhus Centres Meeting Report 22-23. January 2009, Vienna, Austria

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I. BACKGROUND:

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted on 25th June 1998. Named after the Danish town in which it was signed, the Aarhus Convention serves as an instrument aiming at the protection of citizen's rights to a healthy environment, promoting democracy and good governance and furthering the openness and transparency of decision-making processes. As its title suggests, the Convention contains three broad themes, namely: access to information, public participation and access to justice.

The OSCE has been promoting the Aarhus Convention principles and supporting their implementation in close co-operation with the UNECE Aarhus Convention Secretariat. It is within this framework that since 2002, OSCE has been co-operating with several Governments for the establishment and functioning of Aarhus Centres. In close co-operation with the Environment and Security (ENVSEC) Initiative - a partnership between the OSCE, UNEP, UNDP, UNECE, REC, as well as NATO as an associate partner, Aarhus Centres have been established in Albania, Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan and Tajikistan. Efforts are also in place for the establishment of an Aarhus Centre also in Kazakhstan. These Centres serve as a link between the governments and NGOs in the sphere of environmental policy making and implementation. They also provide the platforms for coalition-building and partnerships among NGOs in addressing environmental issues.

The Aarhus Centres Meeting aimed to bring together the Aarhus Convention National Focal Points, Aarhus Centre Managers and the OSCE Economic and Environmental Officers from Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan and Tajikistan and to provide an effective platform for sharing experiences, lessons learned, best practices and challenges in putting Aarhus Convention into practice. Furthermore, the meeting aimed for development of a road map for future activities of the Aarhus Centres based on the findings and recommendations of the recently concluded Independent Evaluation of Aarhus Centres and the strategic direction provided by the Third Meeting of the Conference of Parties of Aarhus Convention held on 11-13 June 2008 in Riga.

In addition to the Aarhus Centre practitioners from above listed countries, representatives of the UNECE Aarhus Convention Secretariat and several OSCE Delegations participated in the meeting along with a number of experts from various organizations.

II. WELCOME AND INTRODUCTION

The meeting was opened by **Ioannis Peditotis**, Representative of the Greece/OSCE Chairmanship, who highlighted the OSCE Economic and Environment Forum process and this year's theme of *"Migration management and its linkages with economic, social and environmental policies to the benefit of stability and security in the OSCE region"*. Referring particularly to the linkages between migration and environment, he emphasized the potential role of Aarhus Centres in responding to the challenges, particularly in the form of public awareness and education.

Goran Svilanovic, Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), in his welcoming statement, gave a brief overview of OSCE's Aarhus Centres Initiative with particular references to the Independent Evaluation of Aarhus Centres, the side event organized in Riga in June 2008, and the importance of Riga Declaration and the Strategic Plan of the Aarhus Convention. He emphasized the need for partnerships at all levels and referred to the Environment and Security Initiative as well as the active co-operation with the UNECE for facilitating the implementation of the Aarhus Convention.

Jeremy Wates, Secretary to the Aarhus Convention, UNECE, gave a brief overview of the Aarhus Convention and the ongoing co-operation with the OSCE in this respect. In addition to the role of Aarhus Centres in putting the Aarhus Convention into practice, he underlined the UNECE-OSCE partnership for furthering the implementation of access to justice pillar of the Convention through high-level judicial workshops in June 2007 in Kiev for Eastern Europe and South Caucasus regions and in November 2008 in Tirana for the South Eastern European region.

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Daniele Franzone, representative of the European Commission, could not attend the meeting due to a last minute change in his schedule. His message for the meeting was conveyed to the participants which stressed the importance that the European Community pays to the Aarhus Convention and their appreciation for the ongoing work on the Aarhus Centres, as a means to ensure better compliance and enforcement.

Marc Baltes, Senior Advisor, OCEEA presented a brief history of the Aarhus Centres and introduced the purpose and the Agenda of the meeting. He particularly emphasized the importance of the Road Map as the major outcome of the meeting.

Esra Buttanri, OCEEA, presented the Draft Road Map. She indicated that the Road Map is designed as an action plan for the Aarhus Centres that is based on the findings of the Independent Evaluation Report and the Convention's Strategic Plan. Furthermore, she informed the meeting on the structure of the Road Map and requested the participants to refer to the Road Map during their interventions throughout the meeting and make suggestions for its further improvement and enrichment. Finally, she highlighted the need for the Aarhus Centre Guidelines and introduced two consultants Robert Atkinson and Vadim Ni who will prepare the Guidelines in close consultation with the major stakeholders.

III. WORKING SESSIONS

III.1. SESSION 1- IMPLEMENTING THE AARHUS CONVENTION

Chairperson: Marc Baltes, Senior Adviser, OCEEA

Rapporteur: Nana Baramidze, OSCE Mission to Georgia

III.1.1. Independent Evaluation of Aarhus Centres:

Session started with the presentation of **Dmytro Skrylnikov**, Consultant for the Independent Evaluation. The overall objective of the evaluation was to generate knowledge from the experience of the Aarhus Centres within the context of OSCE's efforts to raise awareness on environmental issues as well as promoting participatory approaches in environmental decision making thus implementing the principles of the Aarhus Convention. The report is based on the information compiled through actual visits to selected Aarhus Centres, interviews with stakeholders and review of existing documentation. He summarized his major findings and recommendations as follows:

- The need for clarifying the role and functions of the Aarhus Centres and development of some clear guidelines
- The need to strengthen the role of the Aarhus Centres in addressing the challenges associated with all three pillars of the Aarhus Convention
- The need for networking and information sharing among Aarhus Centres
- The need for full utilization of Aarhus Centres as a tool by the governments in implementing the Aarhus Convention
- The need for increased focus on local/regional authorities, local self-government and business community
- The need to ensure financial and technical sustainability of the Aarhus Centres

The presentation was followed by discussion that mainly focussed on the role of Aarhus Centres in promoting good governance, the Memoranda of Agreement for Aarhus Centres versus the rationale for the Aarhus Centre Guidelines, the institutional structure of the Aarhus Centres, the role of Aarhus Centres in strengthening the relationship between governments and NGOs, the mechanisms to engage with the business community, and the ways and means to increase the role of Aarhus Centres in support of access to justice pillar.

III.1.2. Presentation by Armenia

Aida Iskoyan, Aarhus Convention National Focal Point, highlighted the role of Aarhus Centres in Armenia as platforms where government, NGOs, and academia discuss the issues connected to the implementation of the Aarhus Convention. There are currently twelve Aarhus Centres and one Environmental Law Centre operating in Armenia.

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Strengths:

- Meeting places for dialogue among stakeholders
- Environmental education
- Public hearings
- Participatory development of local environmental strategies
- Public involvement in municipal decision-making process

Challenges:

- Reliability of environmental information
- Public participation in legislation and policy-making
- Capacity development needs for coordinators and local stakeholders
- Financial sustainability of centres

Prospects and plans:

- Support the government in capacity building and institutional development
- Develop and conduct training programs and foster dialogue between stakeholders.
- Assist the government on risk assessment
- Assist the government and local self- governmental bodies on environmental policy planning and policy integration;
- Facilitate environmental impact assessment processes
- Conduct trainings for judges, solicitors, prosecutors and coordinators of the Aarhus Centres on environmental law
- Facilitate enforcement of environmental legislation

III.1.3. Presentation by Georgia

Nino Gvazava, Aarhus Centre Project Co-ordinator, provided an overview of the activities of the Aarhus Centre in Georgia.

Strengths:

- Serves as the national node for Aarhus Convention
- Very active in providing environmental information through web-site, environmental radio campaign and trainings and seminars.
- Supports Ministry of Environment in organizing public hearings and regularly monitors and reports on the results of the public hearings for EIA.
- Provides free legal consultations and organizes awareness-raising activities on "access to justice".

Challenges:

- Limited interest of the state organizations, NGOs or academic community to provide information on the activities related to the Aarhus Convention in Georgia;
- The need for strengthening the technical capacity of the centre as the sole instrument for stakeholders to receive needed information.

Prospects and plans:

- Ongoing improvement of the website content to make it more user friendly;
- Improve mechanism of continuous information flow from resource providers;
- Explore mechanisms to improve public hearing procedures in practice through discussions with relevant stakeholders;
- Development of public participation mechanisms in drafting policies, program and projects as well as legislation and negotiations with relevant stakeholders to incorporate those mechanisms into practice.
- Assist academic institutions in conducting the course on International Environmental Law
- Analyze existing gaps in implementation of the access to justice pillar, including the analysis of court cases on environmental issues;

III.1.4. Presentation by Tajikistan

First part of the presentation was made by **Kodir Boturov**, Aarhus Convention National Focal Point, who focussed mainly on the Dushanbe Aarhus Centre.

Strengths:

- Active involvement in preparation of environmental legislation and sectoral environmental strategies;
- Initiation of an environmental database;
- Collection and distribution of environmental information;
- Organization of seminars for judges in cooperation with the Justice Council.

Challenges:

- Limited coordination between government agencies on environmental information;
- Limited public participation in decision – making;
- Lack of modern technologies/methods for developing and maintaining environmental database
- Lack of technical equipment within the state institutions for collection, analysis and distribution of environmental data and information;
- Limited cooperation with judicial bodies on application of the Aarhus Convention provisions.

Prospects/plans:

- Creation of a National Centre;
- Preparation of the National Action Plan for implementation of the Aarhus Convention
- Formulation and implementation of projects in support of the action plan;
- Strengthening the capacity of judiciary and other legal professionals
- Increased interaction with the civil society.

Second part of the presentation was made by **Dimitriy Prudtskih**, Manager of Aarhus Centre in Khujand. The Centre is hosted by the local NGO "Youth Group on Protection of the Environment".

Strengths:

- Facilitate participatory development and adoption of Strategy for Environmental Development of Tabosbar City in which over 1000 inhabitants (15% of local population) of the city participated and over USD 230,000 have been allocated by the Government for implementation of its water supply component.
- Use of media for environmental awareness
- Organization of public hearings and environmental monitoring activities.

Challenges:

- Limited human resources capacity
- Lack of technical expertise
- Low interest of local population
- Financial sustainability

Prospects/plans:

- Regional and interregional cooperation and exchange of experience between Aarhus Centres
- Capacity building for Aarhus Centres
- Further focus on the implementation of the "access to justice" pillar of the Convention.
- Further involvement in the national report preparations and implementation of national commitments under the Convention.

III.1.5. Presentation by Albania:

Gavrosh Zela, Aarhus Convention National Focal Point, presented how Aarhus Centres in Albania have been contributing to promoting good governance principles in planning and implementation. There is one Aarhus Centre in Tirana and two in southern and north-western part of the country, respectively.

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Strengths:

- A periodically updated web-site and publications.
- Public hearings
- Capacity-building activities
- Support to relevant governmental institutions in introducing formal mechanisms for public consultation and participation.

Challenges:

- Relatively slow progress in internalizing and enforcing the Aarhus Convention and its principles, particularly through regulations and operational procedures.
- Lack of clearly defined roles and responsibilities for institutions for the enforcement of the Aarhus Convention
- Lack of awareness of the institutions as well as public in general on Aarhus Convention principles and Albanian environmental legislation.

Prospects/Plans:

- Further work on strengthening of national legal framework
- Awareness raising campaigns on Aarhus Convention principles targeting a variety of stakeholders, including local authorities and NGOs
- More active involvement of the Aarhus Centres in Environmental Impact Assessment processes.

III.1.6. Presentation by Azerbaijan:

Faig Sadigov, the Aarhus Convention National Focal Point, presented the Aarhus Centre activities in Azerbaijan, particularly in the area of access to information.

Strengths:

- The Ministry of Environment issues several environmental bulletins regularly for wide dissemination.
- Assistance to the civil society organizations both technically and financially.
- Awareness-raising events organized by the Aarhus Centres

Challenges:

- Lack of public awareness on environmental issues, particularly in remote areas.
- Heavy dependence of the civil society on government institutions and resources
- Low level of public interest

Prospects/Plans:

- Further expansion of the Aarhus Centres network in Azerbaijan.

III.1.7. Presentation by Kyrgyzstan:

Isabaev Kanybek, Osh Aarhus Centre Manager, provided a brief history of Aarhus Centre in Osh and its four focus areas. .

Strengths:

- Active engagement in awareness raising, fostering dialogue between government authorities and civil society; active involvement of youth; and environmental journalism.
- Public hearings on a variety of issues including building of a cement factory in Kyzylkya town, local domestic and industrial waste problems in Tashkomur, industrial waste emerging from uranium production in Kyzyljar village, and creation of a national park in Karabulak village.

Challenges:

- Low level of interest from local people and NGOs
- Lack of full knowledge on national environmental legislation by public in general.
- Lack of capacity at the local level for enforcement of national environmental legislation
- Lack of adequate information on state of environment
- Lack of information on rules and procedures for public participation and judicial processes

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Prospects/Plans:

- Further cooperation with mass media for coverage of centre's activities
- Improved cooperation and enhanced collaboration with all stakeholders
- Measures to ensure increased participation of public in Aarhus Centre activities
- Tools to promote practice of preparing appeals to local and central state administrations

III.1.8. Presentation by Belarus

Olga Zakhorava, Aarhus Centre Manager, and **Elena Laevskaya**, Senior Legal Expert presented the activities of Aarhus Centre that was established in December 2005 in Minsk.

Strengths:

- High interest of public to the implementation of the Convention
- Availability of a "hot line" within the Aarhus Centre
- Precise differentiation and indication of topics of appeals
- High level of specialists of environmental bodies to provide answers to the appeals
- Provision of legal advice on international and national environmental legislation.
- Active involvement of various stakeholders in the preparation of national environmental legislation.
- Preparatory work for accession to PRTR

Challenges:

- Limited awareness of the state officials on their obligations for providing environmental information and lack of awareness of public on their rights concerning access to environmental information
- Lack of resources for setting up Aarhus Centres in regions.
- The need for further visibility and promotion of Aarhus Center activities.
- The need for broadening the authority and responsibility of local environmental bodies for provision of environmental information
- The need for capacity building programmes for local environmental bodies.

III.1.9. Presentation by Kazakhstan

Alzhan Kh. Braliyev, Vice Minister of Environment Protection, presented their plans for establishment of an Aarhus Centre in Kazakhstan. He indicated that a virtual Aarhus Centre was established in November 2008 under www.iacoos.kz, under the Ministry of Environmental Protection which provides information on environmental legislation, state of environment as well as ongoing and planned projects and programmes and other environmental events. He informed the meeting that preparations are underway for establishment of an Aarhus Centre in Atyrau Oblast (Caspian Sea region) in cooperation with the OSCE. The main objectives of the Centre will be to create a unified information system, to improve public access to environmental information, to develop efficient procedures and mechanisms for public participation in environmental decision-making, and to facilitate public appeals against non-compliance with the Aarhus Convention provisions.

III.1.10. Discussions and Conclusions

Some of the discussion topics are summarized below:

- 2008 Aarhus Clearinghouse Best National Node Award to the Aarhus Centre in Georgia.
- The need for regional networking among Aarhus Centres
- Involvement of business community in Aarhus Centre activities and potential challenges associated with "conflict of interest"
- Aarhus Centres as an efficient tool to promote good environmental governance
- The relationship between Aarhus Centres and NGOs – Are Aarhus Centres competitors to the NGOs?
- Proposal for establishment of a Regional Aarhus Centre in Central Asia (proposed by the Dushanbe Aarhus Centre Manager)
- Practical information on how an Aarhus Centre can act as a National Clearinghouse for the Convention (by Aarhus Centre in Georgia)

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- Practical information on how the “hot lines” are operated and how they are linked to legal procedures (by Aarhus Centre in Belarus)

Based on the presentations and discussions, **Esra Buttanri**, OCEEA, summarized the common strengths and weaknesses of Aarhus Centres as follows:

Common Strengths:

- Government ownership in most of the countries, reflected through cost-sharing arrangements, provision of office space, staff, etc.
- Active participation and ownership of regional and local administrations
- Aarhus Centres serve as a link between government and civil society
- Aarhus Centres serve as platforms for bringing together all stakeholders and enable them to discuss key environmental issues.
- Aarhus Centres are considered as important tools to implement the Aarhus Convention at national and local levels.
- Aarhus Centres are very active in receiving and sharing environmental information.
- In most of the countries, Aarhus Centres lead/facilitate public hearings for environmental legislation/policies/projects/EIA processes
- In some countries, Aarhus Centres lead local environmental/sustainable development action planning processes
- To a lesser extent, Aarhus Centres are active in provision of legal advice, consultation and training of legal professionals.

Common Weaknesses:

- Limited availability of reliable/scientific environmental information
- Capacity building needs for Aarhus Centre Managers and stakeholders
- Limited interest in providing information
- Limited coordination between government agencies
- Limited involvement of government agencies other than ministries of environment (while there are some good examples of partnerships in some countries)
- Limited interest by local people in Aarhus Centre activities
- Lack of knowledge on legal rights by public in general and lack of knowledge on legal responsibilities by legal professionals
- Absence of by-laws, operational procedures to implement the environmental legal framework
- Financial and institutional sustainability of Aarhus Centres
- The need for guidelines to streamline the Aarhus Centres
- The need for increased communication and visibility
- The need for networking among Aarhus Centres

III.2. SESSION 2- AARHUS CENTRES AND THE THREE PILLARS

Chairperson: Jeremy Wates, Secretary to the Aarhus Convention, UNECE
Rapporteur: Khosbakht Ismailova, OSCE Office in Baku

III.2.1. Access to Information

Michael Stanley-Jones, Environmental Information Management Officer, Aarhus Convention Secretariat, provided detailed information on articles 4 and 5 of the Convention that govern the access to information pillar, followed by a comprehensive presentation on the Aarhus Clearinghouse mechanism and how it operates. Regarding the potential and actual role of Aarhus Centres in access to information, he highlighted the following:

- Aarhus Centres can serve as article 5 community access points and repositories of national and local environmental information.
- Aarhus Centres can serve as information providers, or, where designated by national authorities, national nodes of the Clearinghouse Mechanism.
- Aarhus Centres can constitute an environmental communications network in EECCA

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- They can contribute to development of the Aarhus Convention Communication Strategy
- They can act as training centres for environmental decision-makers, NGOs, professionals and other stakeholders.
- They can actively be involved in sustainable production and consumption issues and in PRTR training for citizens and enterprises.
- They can act as public consultation facilitators.

Discussion:

Some of the issues raised during discussions include the following:

- Type of information that is/could be /should be held by the Aarhus Centres
- Reliability of information available to/distributed by the Aarhus Centres
- Extent to which the Aarhus Centres can serve as extensions of governments to fulfil governments' obligations under article 5
- Institutional and legal status of the Aarhus Centres (governmental/independent)
- Aarhus Centres do not only distribute information provided by the governments but also by other parties
- Aarhus Centres should act as mediators in distribution of information
- Aarhus Centres should be involved in promotion of transparency and openness in sharing information in general, not only environmental information
- Aarhus Centres as watch dogs
- Aarhus Centres should not be considered as additional structures within the government.
- Irrespective of the legal/institutional status of the Aarhus Centres, what is important is the partnership between the government and the Aarhus Centres.
- In information dissemination, needs of different groups should be taken into account (disabilities, illiteracy, language, etc)
- Possibility of recommending governments to make use of the Aarhus Centres as national nodes of information.
- Establishment of linkages with the Green Spiders network.

III.2.2. Public Participation

Michael Ewing, Social Partnership Co-ordinator, Irish Environmental Network, made a comprehensive presentation on practical implementation of the public participation pillar of the Convention. The presentation focussed particularly on definitions for "public", "participation", "environmental decision-making", and "tools for participation". Following issues were highlighted in relation to the role of Aarhus Centres in this pillar:

- Step 1 should be to assess the implementation of the Convention at the national level; to identify the barriers to participation; and to look into financial, legal, cultural, language, literacy, geographic and awareness factors within the context of right to participate.
- Step 2 should be to review the legislation – public participation can not take place in any meaningful way unless the legislation is in place to provide for it.
- Step 3 should be capacity building – for effective participation, all stakeholders need to learn how to have open, constructive and creative conversations (training in facilitation skills, training in dialogue planning)

Discussion:

Following issues were raised during the discussions:

- Preparatory work for the establishment of a Public Participation Task Force under the Aarhus Convention.
- Differences between "public involvement", "public participation" and "public consultation" – through public consultation, public is consulted but the final decision is up to the government whether to take the results into account or not, whereas it is different in case of public participation.

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- Legal consequences of the definition of public within the Aarhus Convention – there are three different notions:
 - Convention defines “public” as everyone.
 - When it comes to public participation, the Convention states “public concerned” which is narrower. In general, in national legislation, it is the individuals who would be effected by the activity. National legislation would be expected to give equal rights to individuals and NGOs.
 - When it comes to access to justice, the article 9 refers to “public that has sufficient interest” – not necessarily everyone would need to have a standing in the court. The national legislation would require a definition for individual members of the public (people living in the immediate neighbourhood of the activity) and NGOs (again with some criteria)
- The need for self-evaluation of the Aarhus Centre activities in the public participation pillar.
- The need for training programmes for Aarhus Centre staff, NGOs/stakeholders, local administrations, developers/investors

III.2.3. Access to Justice

Jerzy Jendoroska, Opole University, Poland made two presentations - access to justice pillar of the Aarhus Convention and the Convention’s compliance mechanism. The presentation addressed the following issues in relation to the role of Aarhus Centres:

- Articles 9.1, 9.2, and 9.3 deal with redress in three situations: abusing right to information, right to participation and right to file a public interest - Aarhus Centres can indirectly support these provisions by training judiciary, etc.
- Article 9.4 deals with requirements for procedures, decisions and remedies – Aarhus Centres can create a database on all environment related court decisions.
- Article 9.5 deals with practicalities and addresses information on access to administrative and judicial review procedures and assistance mechanisms to remove or reduce financial and other barriers – Aarhus Centres can provide information to the public on review procedures; maintain a list of environmental lawyers; may consider providing financial assistance.
- Aarhus Centres should be actively involved in preparation and dissemination of national implementation reports.
- Aarhus Centres could provide guidance on compliance procedures and inform the public on cases related to their own country.

Discussion:

Following issues were raised during the discussions:

- Aarhus Centres can play a role in providing information on appeal possibilities.
- Aarhus Centres can act as mediators
- The need for a training module for legal professionals
- Aarhus Centres should keep the judiciary updated on new legislation
- Aarhus Centres could act as law clinics (where students of law provide information and legal consultation under supervision) and promote public interest lawyers.
- Good examples – legal consultations provided by the Aarhus Centre in Minsk and the Environmental Law Centre established in Yerevan.
- Need for disseminating information on best practices on access to justice pillar.

III.3. SESSION 3- COMMUNICATIONS AND OUTREACH

Chairperson: Sadun Emrealp, United Cities and Local Governments – Middle East and West Asia Section (UCLG-MEWA)

Rapporteur: Gohar Ghazinyan, OSCE Office in Yerevan

Following a brief introduction of **Sadun Emrealp**, ULCLG-MEWA, on the need for a Communication Strategy for Aarhus Centres, **Michael Stanley-Jones**, UNECE, informed the meeting on the ongoing preparations for a Communication Strategy for the Aarhus Convention and highlighted the following:

- Aarhus Centres Communication Strategy can provide significant input to the preparations for the Aarhus Convention Communication Strategy.
- The Aarhus Centres Communication Strategy should prioritize key messages, identify targeted constituencies and address channels of communication.
- The strategy should highlight particular strengths of the Aarhus Centres and reflect on those factors that distinguish them from NGOs, international organizations, etc,
- The Communication Strategy should cover the following:
 - Draft a clear statement for communicating objectives using plain language
 - Check external audiences to get their reaction on the statement
 - Develop simple bulletins, articles, press release, etc
 - Identify target audience and prioritize
 - Examine channels of communication (including electronic)
 - Keep track of communication activities
 - Develop a workplan to implement communication activities
 - Allocate resources for communication
 - Introduce evaluation measures and report on them
 - Donors should be communicated on the results of their contribution
 - Public should be both a resources and the target of communication
 - Developers/investors should also be among the target group.

Discussion:

- The need for clarifying what environmental information is
- The need for communication and networking among Aarhus Centres (including electronic networking)
- Aarhus Centres should make use of existing regional networks, such as Green Spider Network
- Site visits among Aarhus Centres- could also be connected to an event of an Aarhus Centre
- Possibility of adding Aarhus Centres to the Convention's contacts page.

III.4. SESSION 4- SUSTAINABILITY OF AARHUS CENTRES

Chairperson: Jerzy Jendroska, Opole University, Poland
Rapporteur: Marielle Leseur, OSCE Centre in Dushanbe

Following a brief introduction of the session objectives by the Chairperson, there had been a comprehensive discussion on sustainability of Aarhus Centres. Discussions particularly focussed on institutional and financial sustainability of the Centres and accompanied with debate on Centres' legal status. Several different opinions were raised regarding the legal status and funding sources of the Aarhus Centres.

1) Following issues were raised regarding institutional/legal sustainability:

- Clear mission statements and strategic planning would contribute to Aarhus Centres' sustainability.
- Aarhus Convention National Focal Points and Advisory Boards also have a significant role for sustainability.
- There are several institutional options for Aarhus Centres (government-based, NGO-based, independent).
- Some participants pointed out that Aarhus Centres in capital cities should be linked to the government in order to ensure the regular flow of information from the government to the Aarhus Centres (sustainability of access to information)
- Some participants pointed out that Aarhus Centres should on the contrary be non-governmental to preserve their autonomy and to be able to raise funds
- Flexibility is important: Aarhus Centres should be adapted to local needs and their legal status should therefore not be unified.
- There is a need to further strengthen the monitoring and evaluation of the Aarhus Centres' performance. This would make the Centres more result-oriented which would in turn make

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them more sustainable. This would require development of performance indicators for the Aarhus Centres.

- It is important to strengthen the capacities of the Centres to conduct self evaluation
- Capacity building of the Aarhus Centre managers and staff is an important component of sustainability

2) Financial sustainability of the Aarhus Centres should be ensured by raising funds from different sources, including government, donors, business community. Fee-based service provision to the business community could also be an option for certain countries. Aarhus Centres should also consider making more use of volunteers. Coordination with other ongoing projects and programmes at the national and regional levels is also necessary.

III.5. SESSION 5- A ROAD MAP FOR AARHUS CENTRES

Chairperson: Jeanette Kloetzer, OSCE Centre in Astana

Rapporteur: Robert Mangham, OSCE Presence in Albania

Esra Buttanri, OCEEA presented the revised Road Map for Aarhus Centres which reflects suggestions and inputs that were provided during the two-day discussion. Following issues were raised regarding the Road Map:

- The Road Map should be a living document and revisited regularly (preferably on an annual basis) and revised if need be.
- The Road Map should specify the relevant articles of the Convention.
- The Road Map should also refer to other relevant international conventions such as Biodiversity and Climate Change Conventions.
- The Road Map should be finalized only after national consultations
- The Road map should indicate that the Aarhus Centres might engage on issues relating to other Conventions too
- The Road Map could be a useful basis for devising performance indicators for activities
- The Road Map should also refer to the role of local authorities

IV. WRAP-UP AND CLOSURE

In his closing remarks **Jeremy Wates**, UNECE, emphasized that the Aarhus Centres are the “cutting edge” of the Convention and constitute a good model for many other countries, including the Western European countries. He indicated that the meeting had been highly productive and consensus had been observed on several issues. Given the limited time, there had not been much opportunity to discuss in detail the contents of the Convention and its processes – such as the reporting mechanisms, Expert Group on Public Participation, etc. Nevertheless, the meeting offered a good platform for sharing of experiences, best practices and lessons learned and for future planning. It is important that these meetings be organized periodically (annual/every two years). He expressed the UNECE’s commitment to the Aarhus Centre initiative and indicated that the outcome of this meeting will be reported to relevant bodies of the Convention.

Marc Baltes, OSCE, also expressed his satisfaction with the outcome of the meeting and thanked all participants for their active participation and valuable contributions. He underlined that OSCE will continue to support the Aarhus Centres Initiative in close co-operation and co-ordination with other partners, particularly the UNECE. In concluding, he thanked once again to the OSCE Delegations for their contributions to this initiative which made it possible for OSCE to organize this important meeting.

ATTACHMENTS

1. Aarhus Centres Road Map
2. Agenda
3. List of Participants

ROAD MAP FOR AARHUS CENTRES

A. Thematic Road Map: This is an attempt to identify entry points and activities by the Aarhus Centres to support the relevant components of the Aarhus Convention Strategic Plan (2009-2014) that was adopted by the Third Meeting of Parties in Riga on 11-13 June 2008.

No	Objective (as contained in the Aarhus Convention Strategic Plan)	Suggestions for indicative types of activities for Aarhus Centres	Possible partners	Time-frame*
A.1.	Environmental education is widely available and promotes active and responsible behaviour among the public as regards the environment, including the exercise of the rights guaranteed by the Convention (<i>Strategic Plan, Objective 1.4</i>).	1.1. Aarhus Centres organize trainings and awareness-raising activities for environmental decision-makers, NGOs, professionals and other stakeholders.		
A.2.	Public authorities at all levels and in relevant sectors of government are aware of the obligations under the Convention and allocate as far as possible the resources needed to comply with them (<i>Strategic Plan, Objective 1.5</i>).	2.1. Aarhus Centres conduct information and awareness-raising activities targeting public officials. These initiatives should target not only the ministries of environment but also other line ministries and governmental bodies (such as energy, transport, industry and justice). 2.2. Aarhus Centres specifically focus on public authorities at provincial and local levels.		
A.3.	The Convention leads to the development of an open administrative culture which supports public participation and transparency in environmental matters and values them as positive contributions to democratic, effective and good governance. Public officials concerned have and apply the knowledge and skills to provide assistance and guidance to the public to facilitate the exercise of its rights (<i>Strategic Plan, Objective 1.6</i>).	3.1. Aarhus Centres advocate for good environmental governance and pioneer for demonstrating its practical implementation. 3.2. Aarhus Centres disseminate good practices on good governance.		

* Short-term : 2009
Medium-term : 2010-2011
Long-term : 2012-2014

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A.4.	Public authorities at all levels and in all relevant sectors of government have well-established information policies and mechanisms, under which environmental information of high quality is routinely provided and proactively disseminated to the public in a user-friendly manner, making full use of electronic tools where available (<i>Strategic Plan, Objective 1.7</i>).	<p>4.1. Aarhus Centres facilitate access to available environmental information through various tools (web-site, newsletters, information boards, etc.)</p> <p>4.2. Aarhus Centres serve as community access points and repositories of national and local environmental information.</p> <p>4.3. Aarhus Centres take an active role in providing information to national nodes of the Aarhus Clearinghouse Mechanism.</p> <p>4.4. Where appropriate and so designated by the national authority, Aarhus Centres serve as national nodes of the Clearinghouse mechanisms</p>		
A.5.	Public participation procedures are regarded by public authorities and all other actors concerned as an integral part of the preparation of policies, plans, programmes and projects which may have a significant effect on the environment, and are implemented in their full scope. Prospective applicants are, where appropriate, encouraged to undertake proactive efforts to identify and inform the public concerned and enter into discussions with them at an early stage of planning, allowing for the effective participation of all interested members of the public (<i>Strategic Plan, Objective 1.9</i>).	<p>5.1. Aarhus Centres bring all relevant stakeholders together and provide a platform for participation through consultation (e.g. public hearings) and for interactive participation (workshops, negotiation, mediation, etc.).</p> <p>5.2. Aarhus Centres serve as public consultation facilitators.</p> <p>5.3. Aarhus Centres strengthen the capacities of stakeholders on public participation techniques and procedures. Organize trainings on facilitation skills and dialogue planning for government institutions, local administrations, NGOs and business community and investors.</p>		
No	Objective (as contained in the Aarhus Convention Strategic Plan)	Suggestions for indicative types of activities for Aarhus Centres	Possible partners	Time-frame*

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A.6.	Judges, public prosecutors and other legal professionals are familiar with the provisions of the Convention and are ready to exercise their respective responsibilities to uphold them (<i>Strategic Plan, Objective 1.11</i>).	6.1. Aarhus Centres facilitate/organize training activities for legal professionals on relevant multilateral environmental agreements and specifically on the Aarhus Convention and update judiciary regularly on new environmental legislation		
A.7.	Each Party provides for appropriate recognition of and support to civil society organizations promoting environmental protection as important actors in advancing democratic debate on environmental policies, raising public awareness, and mobilizing and assisting citizens in exercising their rights under the Convention and contributing to its implementation (<i>Strategic Plan, Objective 1.12</i>).	7.1. Aarhus Centres advocate for increased civil society involvement in environmental management and decision-making processes and offer means and mechanisms for effective co-operation between government agencies and civil society organizations. 7.2. Aarhus Centres disseminate information on good practices on government-civil society partnerships. 7.3. Aarhus Centres are actively involved in the preparation of the National Implementation Reports, its follow-up and dissemination.		
A.8.	Civil society organizations and the general public are aware of their rights under the Convention and assert them to effectively engage in addressing environmental and sustainable development issues and to advance both environmental protection and good governance, thus contributing to sustainable development (<i>Strategic Plan, Objective 1.13</i>).	8.1. Aarhus Centres organize public awareness campaigns on environmental issues and specifically on the Convention. 8.2. Aarhus Centres lead/facilitate initiatives to strengthen the capacities of civil society organizations in areas such as techniques for community involvement, participatory planning and programming, and project formulation, management and monitoring & evaluation.		

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A.9.	The impact of civil society's contribution to environmental management and sustainable development is better understood, documented and evaluated (<i>Strategic Plan, Objective 1.15</i>).	<p>9.1. Developing results oriented work-plans and performance indicators for Aarhus Centres for periodic review and evaluation.</p> <p>9.2. Aarhus Centres disseminate good practices on civil society's contribution to environmental management and sustainable development.</p> <p>9.3. Aarhus Centres advocate for and facilitate partnerships and networking among civil society organizations at the local and national levels.</p>		
A.10.	The range of environmental information that is made available to the public is gradually widened, inter alia, by developing and implementing mechanisms enabling more informed consumer choices as regards products, thereby contributing to more sustainable patterns of production and consumption. Through exchange of information and good practice, consideration is given on how to promote increasing accessibility of environmental information held by the private sector, taking into account relevant issues of confidentiality of commercial and industrial information and protection of intellectual property rights in line with the current approach under the Convention (<i>Strategic Plan, Objective III.2</i>).	<p>10.1. Aarhus Centres lead/facilitate training and awareness - raising activities on sustainable production and consumption patterns and on PRTR for citizens and enterprises.</p> <p>10.2. Aarhus Centres enter into and/or facilitate partnerships with the private sector in areas related to the implementation of the Convention.</p>		

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No	Objective (as contained in the Aarhus Convention Strategic Plan)	Suggestions for indicative types of activities for Aarhus Centres	Possible partners	Time-frame*
A.11	The provisions of the Convention relating to public participation in the preparation of plans, programmes and policies relating to the environment, as well as executive regulations and other generally applicable legally binding normative instruments that may have a significant effect on the environment, are applied, kept under review and further developed, as appropriate, to enhance public participation from an early stage in strategic decision-making processes. This should be done with appropriate public involvement and taking fully into account the specific nature and constraints of such processes and related obligations under other multilateral environmental agreements such as in particular the Protocol on Strategic Environmental Assessment (SEA) to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and by involving its bodies in such processes (<i>Strategic Plan, Objective III.4</i>).	<p>11.1. Aarhus Centres review and analyze the implementation of the public participation pillar of the Convention and identify the barriers to participation (financial, legal, cultural, language, literacy, etc)</p> <p>11.2. Aarhus Centres facilitate the EIA process by offering the services for information dissemination and platforms for public participation, where appropriate.</p> <p>11.3. Aarhus Centres take an active role in the EIA follow-up by monitoring the actual project/plan implementation and informing the stakeholders on the results of the EIA follow-up, where possible.</p> <p>11.4. Aarhus Centres advocate for the SEA and disseminate good practices on its implementation.</p> <p>11.5. Aarhus Centres provide a platform for participatory local environmental and sustainable development action planning and implementation.</p>		
A.12.	To enhance the effectiveness of public participation, the development and application of innovative forms and tools of public participation beyond traditional consultation procedures are encouraged, the development of non-governmental organizations' capacity is supported and civil society is strengthened (<i>Strategic Plan, Objective III.5</i>).	<p>12.1. Aarhus Centres disseminate good practices on innovative forms and tools of public participation.</p> <p>12.2. Aarhus Centres co-ordinate/facilitate formulation, implementation and management of small-scale NGO projects.</p>		

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No	Objective (as contained in the Aarhus Convention Strategic Plan)	Suggestions for indicative types of activities for Aarhus Centres	Possible partners	Time-frame*
A.13.	Work on promoting effective access to justice continues, in particular by way of further information exchange, capacity-building and exchange of good practice, inter alia, on the issue of criteria for standing, taking fully into account the Convention's objective of guaranteeing access to justice. The extension of the range of members of the public having access to administrative and judicial procedures is explored, with particular focus on access by non-governmental organizations. Steps are taken to remove or reduce financial and other barriers and to establish assistance mechanisms where appropriate (<i>Strategic Plan, Objective III.6</i>).	<p>13.1. Aarhus Centres facilitate/co-ordinate legal consultations to civil society organizations and individuals on environmental rights and responsibilities.</p> <p>13.2. Aarhus Centres provide information and guidance to public on court procedures, administrative review procedures and judicial appeal possibilities.</p> <p>13.3. Aarhus Centres provide assistance mechanisms such as promoting public interest lawyers, providing list of lawyers, and acting as law clinics.</p> <p>13.4. Aarhus Centres establish and provide a database on court decisions in environmental issues.</p> <p>13.5. Regarding the Convention's compliance mechanism, Aarhus Centres assist in understanding the template, in monitoring jurisprudence and disseminating results, and in informing the public on cases related to their respective countries.</p>		
A.14.	The Parties explore possibilities for the development of measures under the Convention to ensure greater opportunities for public participation in policy formulation and implementation contributing to sustainable development, recalling the Johannesburg Declaration on Sustainable Development and the related Plan of Implementation. Furthermore, the Parties share their experiences in implementing the Convention with other forums interested in using them as a basis or a source of inspiration for further strengthening participatory democracy in their respective fields (<i>Strategic Plan, Objective III.7</i>).	<p>14.1. Aarhus Centres establish partnerships with other local and national level initiatives/programmes in the field of environment and sustainable development.</p>		

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B. Operational Road Map: This is an attempt to identify the key actions needed to strengthen the performance, efficiency and impact of Aarhus Centres

No	Objective	Suggestions for indicative types of activities for Aarhus Centres	Possible partners	Time-frame*
B.1.	Aarhus Centres' vision and activities are streamlined in order to better respond to national and regional challenges and enhance their effectiveness and efficiency in contributing to the implementation of the Aarhus Convention	<p>1.1. Develop a common understanding on the role and functions of the Aarhus Centres.</p> <p>1.2. Develop a common understanding on the role of stakeholders (Ministry of Environment, National Focal Point, Aarhus Centre Manager, OSCE, host-NGO, etc.)</p> <p>1.3. Formulate a monitoring and evaluation strategy for Aarhus Centres with measurable performance indicators.</p> <p>1.4. Conduct self-evaluation of AC performance/activities annually.</p>		
B.2.	Capacities of Aarhus Centres strengthened in order to better respond to the challenges in the implementation of the Aarhus Convention.	<p>2.1. Identify capacity-building needs of the Aarhus Centres' staff and conduct trainings at the national and regional levels.</p>		
B.3.	Enhanced awareness on and visibility of Aarhus Centre initiatives.	<p>3.1. Formulate a communication strategy and action plan for Aarhus Centres.</p> <p>3.2. Communicate more actively with local and national media</p> <p>3.3. Put in place mechanisms to ensure enhanced awareness of local stakeholders on the Aarhus Centres, with special focus on initiatives to enhance interest and participation of women and youth.</p> <p>3.4. Aarhus Centres network function as Environmental communication network in EECCA.</p> <p>3.5. Contribute to the Aarhus Convention Communication Strategy</p>		
B.4.	Mechanisms are in place for information and experience sharing among the Aarhus Centres at the country and regional levels.	<p>4.1. Identify and put in place mechanisms for networking and information sharing among Aarhus Centres.</p>		

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No	Objective	Suggestions for indicative types of activities for Aarhus Centres	Possible partners	Time-frame*
B.5.	Efforts are advanced for ensuring sustainability of Aarhus Centres.	<p>5.1. Identify measures to strengthen the ownership and support of Governments towards long-term sustainability of Aarhus Centres.</p> <p>5.2. Ensure more active involvement of Aarhus Convention Focal Points in Aarhus Centre initiatives.</p> <p>5.3. Establish closer co-operation and partnerships with CSO/NGO networks at local and national levels.</p> <p>5.4. Establish closer co-operation and partnership with public authorities at provincial and local levels.</p> <p>5.5. Identify options for legal status of Aarhus Centres.</p>		
B.6.	Synergies established with other relevant initiatives at the national and regional levels.	<p>6.1. Co-operate and partner with other local, national and regional initiatives and programmes in support of environment, sustainable development and good governance (such as other ENVSEC projects, GEF projects/programmes, EC supported projects/programmes, etc.)</p>		

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Organization for Security and Co-operation in Europe

Aarhus Centres Meeting

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Hofburg Congress Centre, Segment Galerie I

ANNOTATED PROVISIONAL AGENDA

A. Registration

Registration of participants will begin at 09:30 hours on 22 January 2009 at Hofburg Congress Centre.

B. Welcome and Introduction

Under this agenda item, statements will be made by representatives of the Greece/OSCE Chairmanship, Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), United Nations Economic Commission for Europe (UNECE) and the European Commission (tbc).

C. Session 1: Implementing the Aarhus Convention

(a) Independent Evaluation of Aarhus Centres

The OCEEA commissioned an independent evaluation of Aarhus Centres which was concluded in September 2008. The evaluation was a combination of desk reviews and document analysis and consultations with key stakeholders (including the Aarhus Convention Secretariat, OSCE Secretariat staff, OSCE field operations staff, national focal points for the Convention, managers of the Aarhus Centres, government representatives, NGOs, academia, etc). Under this agenda item, the Consultant for the evaluation will present his findings and recommendations, as contained in his report.

(b) Aarhus Centres' Accomplishments at a Glance

The representatives of Aarhus Centres from Albania, Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan and Tajikistan are expected to present briefly:

- history and structure of the Aarhus Centres;
- primary areas of focus;
- major achievements and challenges; and
- future prospects and needs.

Kazakhstan will present the preparatory process for establishment of an Aarhus Centre, including their objectives and expectations.

Presentations are expected to yield a discussion for identifying major strengths and weaknesses of the Aarhus Centres.

D. Session 2: Aarhus Centres and the Three Pillars

Experts will present three pillars of the Convention and feed the discussion on how the Aarhus Centres could better contribute to the implementation of the Convention. Presentations and discussions will take into account the major outcomes of the Third Meeting of the Parties to the Aarhus Convention (including the Riga Declaration and the Strategic Plan for 2009-2014). Discussions are expected to focus on the human, technical and financial capacities needed by the Aarhus Centres to deliver these tasks and the role of other different stakeholders (including government agencies, local administrations, NGOs and international organizations).

(a) Access to Information:

Access to information stands as the first of the pillars. It is the first in time, since effective public participation in decision-making depends on full, accurate, up-to-date information. It can also stand alone, in the sense that public may seek access to information for any number of purposes, not just to participate. The access to information pillar is split in two. The first part concerns the right of the public to seek information from public authorities and the obligation of public authorities to provide information in response to a request (Article 4). The second part of the information pillar concerns the right of the public to receive information and the obligation of authorities to collect and disseminate information of public interest without the need for a specific request (Article 5)*.

Under this item, discussions are expected to address issues such as the following:

- use of electronic information tools to provide public access to environmental information;
- information flow to and from national nodes of the Aarhus Clearinghouse Mechanism;
- legislative issues (including gaps and discrepancies) in relation to regulating access to information, including collection and dissemination of environmental data; and
- availability of environmental information databases.

In all these areas, the actual and potential roles of Aarhus Centres will be the main focus of discussion.

(b) Public-Participation in Decision-Making

The second pillar of the Convention is the public participation pillar. It relies upon the other two pillars for its effectiveness – the information pillar to ensure that the public can participate in an informed fashion, and the access to justice pillar to ensure that participation happens in reality. The public participation pillar is divided into three parts. The first part concerns participation by the public that may be affected by or is otherwise interested in decision-making on a specific activity, and is covered by article 6. The second part concerns the participation of the public in the development of plans, programmes and policies relating to the environment, and is covered by article 7. Finally, article 8 covers participation of the public in the preparation of laws, rules and legally binding norms.*

* Aarhus Convention Implementation Guide, UNECE, 2000

Under this item, discussions are expected to focus on issues such as the following:

- Challenges in practical application of regulatory frameworks for public participation (public awareness, definition of public, timing of notification/participation, clarity in roles and responsibilities, etc);
- Use of electronic tools to facilitate public participation procedures;
- Public participation techniques and procedures
- Linkages with the EIA and SEA initiatives and their follow-up

In all these areas, the actual and potential roles of Aarhus Centres will be the main focus of discussion.

(c) Access to Justice

The third pillar of the Aarhus Convention is the access to justice pillar. It enforces both the information and the participation pillars in domestic legal systems, and strengthens enforcement of domestic environmental law. It is covered by article 9. Specific provisions in article 9 enforce the provisions of the Convention that convey rights onto members of the public (Articles 4 and 6). The justice pillar also provides a mechanism for the public to enforce environmental law directly. *

Under this item, participants are expected to hear and discuss a presentation on both the access to justice pillar as well as the Convention's compliance mechanism. The discussions are expected to deal with the following issues:

- Public awareness and knowledge on environmental rights as introduced by the Aarhus Convention.
- Awareness of legal professionals on environmental issues, multilateral environmental agreements and the Aarhus Convention, specifically.
- Lengthy and costly legal procedures.

E. Session 3: Communications and Outreach

During their third meeting in Riga, the Parties to the Convention decided that a communication strategy should be drawn up and agreement was reached to set up an expert group to support this task. The future communication strategy is expected to (i) find ways of presenting the Convention's legal rights and opportunities in everyday language which can be understood by national and local government officials responsible for implementing the provisions of the Convention on the ground, as well as by the broader public; (ii) Identify key messages and target audiences in order to raise awareness about the Convention and build support for its implementation; (iii) Provide a framework for adopting the most effective means of communication, tailored to specific target audiences, through appropriate media channels. +

The Independent Evaluation of Aarhus Centres, on the other hand, called for a communication strategy for Aarhus Centres and for increased networking and information exchange among the Centres, at the national as well as regional levels.

* Aarhus Convention Implementation Guide, UNECE, 2000

+ EECN Newsflash, No.62, July 2008

Under this item, discussions are expected to focus on the following issues:

- Role of Aarhus Centres in the development and implementation of a Communication Strategy for Aarhus Convention
- Communication channels and mechanisms used by the Aarhus Centres to seek, receive, use and share information (official structures, formal consultation processes, traditional structures, media, etc).
- The need to develop a general Communications Strategy for Aarhus Centers, to be appropriately revised and adopted by each Center, as appropriate.
- The need and the mechanisms for networking among Aarhus Centers at the national and regional levels (electronic networking, newsletters, site visits and information exchange programs between Aarhus Centres, etc).
- The need for reporting specifically on communication and outreach activities as an integral component of all reporting by Aarhus Centers.
- Possible entry points to ensure effective participation of women and youth in Aarhus Centre activities.

F. Session 4: Sustainability of Aarhus Centres

Sustainability is one of the key issues for the Aarhus Centres, as also elaborated in detail through the Independent Evaluation of Aarhus Centres. Under this item, participants are expected to discuss and make recommendations on the following issues:

- Political will and Government's ownership
- Role of Aarhus Convention National Focal Points
- Role of Aarhus Centres Management/Advisory Boards
- Public/community ownership and interest
- Capacity building
- Partnerships and coordination
 - with and among NGOs
 - local administrations
 - private sector
 - academia
 - media
- Mainstreaming of Aarhus Centres with other ongoing national and regional programmes
- Resource mobilization
- Monitoring and Evaluation

G. Session 5: A Road Map for Aarhus Centres

In light of the discussions held through Sessions (1) to (4), participants are expected to discuss and agree on a Road Map for Aarhus Centres which is suggested to have two major components:

Thematic component: Entry points and activities by the Aarhus Centres to support relevant components of the Aarhus Convention Strategic Plan.

Operational component: actions to strengthen the performance and efficiency of the Aarhus Centres.

H. Wrap-up and Closure

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LIST OF PARTICIPANTS

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